

Section 14

APPENDIX 4 – PARTICIPANT ACCESS

Participant Access

Participant access shall be the determining factor in assessing Civil Money Penalties. **Federally mandated sanctions, conviction of trafficking of WIC Food Instruments; conviction of illegal sales of firearms, ammunition, explosives or controlled substances; and Vendor assessed a third or subsequent sanction of any violation in the mandatory sanction category (Federal Violations) as defined in this section are exempt from this provision.**

It shall also be a contribution factor in the Vendor Evaluation Criteria established in this Manual. Participant access is not a legitimate or acceptable issue for a Vendor to raise in appealing a Department disqualification and such determination is not subject to administrative review.

To be considered participant access rather than just “participant inconvenience”, one of the following conditions must be indicated:

1. The Vendor serves ten (10) or more WIC participants whose specific nationality or ethnicity could not properly be served by another authorized Vendor located within the geographic area (defined below) due to a language barrier;
2. To receive WIC benefits, twenty (20) or more WIC participants would be required to travel to an authorized Vendor in another geographic area (defined below);
3. Physical barriers or conditions which would make impossible normal travel to another authorized WIC Vendor (for example, an un-bridged river, an expressway, an airport, frequent road closings due to bad weather);
4. The participant/authorized representative has a physical handicap that cannot be accommodated by alternative Vendors, (for example, the Vendor in question has a wheelchair ramp while other Vendors in the area are not so equipped and a wheelchair-bound participant/authorized representative regularly shops at that Vendor’s location). For this condition to apply, the handicapped participant/authorized representative must have done more than half of his/her WIC shopping in the previous six (6) months at the Vendor’s location.

Geographic Area – The travel in excess of five (5) miles in a rural area from the local agency clinic or the participants’ residence or a one and one half (1 ½) mile radius of the local agency clinic or the participants’ residence in an urban area to reach an authorized Vendor.

Rural area – An area with a population of less than ten thousand (10,000) persons according to the most recent United States Decennial Census.

Urban area – An area with a population of ten thousand (10,000) or more according to the most recent United States Decennial Census.